

Alan L. Sullivan (3152)
Todd M. Shaughnessy (6651)
Snell & Wilmer L.L.P.
15 West South Temple, Suite 1200
Gateway Tower West
Salt Lake City, Utah 84101-1004
Telephone: (801) 257-1900
Facsimile: (801) 257-1800

CRAVATH, SWAINE & MOORE
Evan R. Chesler (admitted pro hac vice)
Thomas G. Rafferty (admitted pro hac vice)
David R. Marriott (pending admission)
Worldwide Plaza
825 Eighth Avenue
New York, NY 10019
Telephone: (212) 474-1000

*Attorneys for Defendant International Business
Machines Corporation*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

CALDERA SYSTEMS, INC, d/b/a/ THE
SCO GROUP,

Plaintiff,

vs.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendants.

**MEMORANDUM OF DEFENDANT
INTERNATIONAL BUSINESS MACHINES
CORPORATION IN RESPONSE TO
PLAINTIFF'S MOTION FOR LEAVE TO
FILE AMENDED COMPLAINT**

Civil No. 2:03cv0294

Honorable Dale A. Kimball

Pursuant to DUCivP 7-1(b)(3), defendant International Business Machines Corporation
("IBM") submits the following response to the Motion for Leave to File Amended Complaint
filed by plaintiff Caldera Systems, Inc., d/b/a The SCO Group on June 16, 2003.

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As will be set out in IBM's response to plaintiff's proposed, amended complaint – should the Court permit plaintiff to file it – plaintiff's proposed, amended allegations are meritless, and judgment should be entered in this action in favor of IBM. Nevertheless, and without conceding the grounds on which it is based, IBM does not oppose plaintiff's motion to amend, subject to IBM's right to move against the proposed amended pleading.

DATED this 11 day of July, 2003

Snell & Wilmer LLP



Alan L. Sullivan
Todd M. Shaughnessy

CRAVATH, SWAINE & MOORE LLP

Evan R. Chesler
Thomas G. Rafferty
David R. Marriott
*Counsel for Defendant International Business
Machines Corporation*

Of counsel:

INTERNATIONAL BUSINESS MACHINES CORPORATION

Donald J. Rosenberg
Alec S. Berman
1133 Westchester Avenue
White Plains, New York 10604
(914) 642-3000

Attorneys for Defendant International Business Machines Corporation

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of July, 2003, a true and correct copy of the foregoing **MEMORANDUM OF DEFENDANT INTERNATIONAL BUSINESS MACHINES CORPORATION IN RESPONSE TO PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT** was delivered to the following by U.S. Mail, postage prepaid:

Brent O. Hatch
Mark F. James
HATCH, JAMES & DODGE, P.C.
10 West Broadway, Suite 400
Salt Lake City, Utah 84101

David Boies
BOIES, SCHILLER & FLEXNER LLP
333 Main Street
Armonk, New York 10504

Stephen N. Zack
Mark J. Heise
BOIES, SCHILLER & FLEXNER LLP
100 Southeast Second Street, Suite 2800
Miami, Florida 33131


